



Immigration Act 2014

2014 CHAPTER 22

PART 3

ACCESS TO SERVICES ETC

CHAPTER 2

OTHER SERVICES ETC

National Health Service

38 Immigration health charge

- (1) The Secretary of State may by order provide for a charge to be imposed on—
 - (a) persons who apply for immigration permission, or
 - (b) any description of such persons.
- (2) “Immigration permission” means—
 - (a) leave to enter or remain in the United Kingdom for a limited period,
 - (b) entry clearance which, by virtue of provision made under section 3A(3) of the Immigration Act 1971, has effect as leave to enter the United Kingdom for a limited period, or
 - (c) any other entry clearance which may be taken as evidence of a person’s eligibility for entry into the United Kingdom for a limited period.
- (3) An order under this section may in particular—
 - (a) impose a separate charge on a person in respect of each application made by that person;
 - (b) specify the amount of any charge (and different amounts may be specified for different purposes);
 - (c) make provision about when or how a charge may or must be paid to the Secretary of State;

Status: This is the original version (as it was originally enacted).

- (d) make provision about the consequences of a person failing to pay a charge (including provision for the person’s application to be refused);
 - (e) provide for exemptions from a charge;
 - (f) provide for the reduction, waiver or refund of part or all of a charge (whether by conferring a discretion or otherwise).
- (4) In specifying the amount of a charge under subsection (3)(b) the Secretary of State must (among other matters) have regard to the range of health services that are likely to be available free of charge to persons who have been given immigration permission.
- (5) Sums paid by virtue of an order under this section must—
- (a) be paid into the Consolidated Fund, or
 - (b) be applied in such other way as the order may specify.
- (6) In this section—
- “entry clearance” has the meaning given by section 33(1) of the Immigration Act 1971;
 - “health services” means services provided as part of the health service in England, Wales, Scotland and Northern Ireland;
- and the references to applying for leave to enter or remain for a limited period include references to applying for a variation of leave to enter or remain which would result in leave to enter or remain for a limited period.

39 Related provision: charges for health services

- (1) A reference in the NHS charging provisions to persons not ordinarily resident in Great Britain or persons not ordinarily resident in Northern Ireland includes (without prejudice to the generality of that reference) a reference to—
- (a) persons who require leave to enter or remain in the United Kingdom but do not have it, and
 - (b) persons who have leave to enter or remain in the United Kingdom for a limited period.
- (2) The “NHS charging provisions” are—
- (a) section 175 of the National Health Service Act 2006 (charges in respect of persons not ordinarily resident in Great Britain);
 - (b) section 124 of the National Health Service (Wales) Act 2006 (charges in respect of persons not ordinarily resident in Great Britain);
 - (c) section 98 of the National Health Service (Scotland) Act 1978 (charges in respect of persons not ordinarily resident in Great Britain);
 - (d) Article 42 of the Health and Personal Social Services (Northern Ireland) Order 1972 ([S.I. 1972/1265 \(N.I. 14\)](#)) (provision of services to persons not ordinarily resident in Northern Ireland).